

REMARKS

In response to the Final Office Action mailed on June 2, 2005, Applicants respectfully request reconsideration.

Applicants have amended claim 30 to include the limitations of claim 31. Additionally, Applicants have canceled claims 1, 2, 8, 11, 12, 19, 21-29. and 31. Thus, claims 30, and claims 32-34 will be pending in the present application after submission of this amendment. Applicants reserve the right to file the canceled claims in a continuation application.

The interview on July 26, 2005 included a discussion with Examiner Casiano regarding the invention as recited in claims 30 and 31 in light of Mendiola, U.S. Patent 5,931,916. Examiner Casiano did not provide a decision regarding patentability at the conclusion of the interview, but assured further consideration of pending claims when the reply to the outstanding office action was received. Applicants would like to thank Examiner Casiano for attending the interview to discuss patentability of the pending claims.

The following remarks address the rejections of pending claims as set out in the Office Action for previously pending claim 31 (now amended claim 30) and claim 32 are consistent with the interview.

Applicants encourage the Examiner to call the undersigned attorney of record if a further discussion would be helpful towards furthering prosecution.

Rejections of Claim 31 under 35 U.S.C. § 102

As mentioned above, the Examiner has rejected claim 31 under 35 U.S.C. § 102(e) based on the teachings of Mendiola, et al., (U.S. Patent Publication 2002/0006803 A1).

Applicants have amended claim 30 to expedite prosecution of the present application. For example, Applicants have amended claim 30 to include the contents of previously pending claim 31. Thus, claim 30 now recites “after the thin client device has been at least temporarily disconnected from the presence server, enabling the first instant messaging user via thin client device to utilize the communications channel again by reconnecting the thin client to the presence.” Applicants respectfully submit that neither this element nor the element of “enabling the presence server to maintain the active session for the communications channel on behalf of the thin client device even though the thin client device is disconnected from the presence” can be found in the cited Mendiola reference.

During the interview, Applicants pointed out that the cited Mendiola reference discloses a technique of assigning unique identifiers to users of an instant messaging system to enable the users to register for an account. Applicants respectfully submit that the process of registering for an account and assigning a unique identifier as described in Mendiola is not equivalent to the invention as in claim 30.

For example, as recited in claim 30, the claimed invention includes enabling a presence server (that supports a communication between first and second IM users) to maintain an active session for the communications channel on behalf of a thin client device even though the thin client device is disconnected from the presence server. The cited Mendiola passages merely discusses setting up an account for future communications, not actually providing a communication channel via “an active session” to support instant messaging. Applicants therefore respectfully request the Examiner to withdraw the rejection because use of an “account” or “registering for an account” as in Mendiola are not equivalent to maintaining an active session on the communication channel for supporting instant messaging as in the claimed invention.

Moreover, the claimed invention further recites enabling a first instant messaging user to utilize the communication channel again by reconnecting the user (e.g., via the thin client) to the presence server after a thin client device has been at least temporarily disconnected from the presence server, which supports instant messaging on the communication channel. Conventional instant messaging techniques involve terminating a corresponding communication channel when a respective user disconnects from a server. With respect to the cited prior art, Mendiola only discusses registering a user for an account and assigning a unique identifier to the user (Mendiola, paragraph 19, 28-35). There is no mention whatsoever in Mendiola about maintaining an active session associated with a communication channel when a respective instant messaging user disconnects from a respective server, especially one in which a user (or thin client device) can reconnect itself to the presence server and utilize the same existing communication channel again to communicate with an instant messaging user. Thus, the cited reference does not even suggest the claimed invention.

This technique of maintaining a communication channel even though a thin client device or user has disconnected from a respective server can speed up a process of a user reconnecting to the presence server for purposes of instant messaging again over the same communications channel.

According to the above discussion, none of the cited passages in Mendiola disclose the techniques as recited in amended claim 30. It is well accepted that a claim is not anticipated under 35 U.S.C. § 102 unless each and every aspect of the claimed invention is taught by a single reference. Additionally, a claim is not obvious under 35 U.S.C. § 103(a) unless the cited references teach or suggest every claim limitation and combination thereof. Accordingly, it is respectfully submitted that the invention as recited in amended

claim 30 is neither anticipated nor obvious because it includes distinguishing limitations not taught or suggested by any of the cited references. Applicants therefore respectfully request allowance of newly amended claim 30 as well as corresponding dependent claims 32-34 over the prior art.

Rejections of Claim 32 under 35 U.S.C. § 103

The Examiner has rejected claim 32 under 35 U.S.C. § 103(a) based on the teachings of Mendiola, et al., (U.S. Patent Application Publication 2002/0006803 A1) as well as Philonenko (U.S. Patent Application Publication 2002/0131399 A1).

To support rejection of claim 32, the office action specifically states that "Philonenko teaches applying an IVR for instant messaging communication events." Applicants respectfully disagree with this assertion and interpretation of the prior art.

The cited reference discloses a technique of queuing and routing communication events (Philonenko, paragraph 21). Events can be advanced in a queue based on assigned priority (Philonenko, paragraph 22). Types of events for storage in the queue include: a telephone call that is handled by an IVR system, instant messaging supported by a web form, e-mails supported by web forms, etc. (Philonenko, paragraph 23). Thus, the cited passages only indicate types of events that can be stored in a queue as well as corresponding "interaction mechanisms" that can be used to process such events. There is no indication whatsoever that an instant message can be received by an IVR.

More specifically, Philonneko at paragraph 23 recites:

[0023] In some preferred embodiments the communication events are telephony events and the interaction mechanism is an IVR. In some other preferred

embodiments the communication events are instant messages and interaction mechanism is a Web form. In still others the communication events are e-mails and interaction mechanism is a Web form. In yet other embodiments the communication events are data network telephony events and interaction mechanism is a digital IVR. (emphasis added)

Note that the language in Philonenko specifically recites different embodiments via use of the word "other" to indicate that there is no connection between an instant messaging event and use of an IVR system to handle the instant messaging event. Accordingly, there is no indication whatsoever in the cited passage that an IVR system handles or has anything to do with an instant message. The IVR system in Philonenko is used to process incoming calls in lieu of an agent (e.g., a human operator) according to paragraphs 23, 26, 29, 44, 45, 50, 62, 123, 126, 129, 132, and 142-144, not handle, forward, or process instant messages. For example, at paragraph 44, Philonenko discloses:

[0044] Further to client database, in many enhanced call centers known to the inventors, information may be elicited from callers (clients) at processing points in the network, and the information transferred to the call center with or ahead of the call. This information may be sorted and used according to preprogrammed rules to assign priority. Still further, equipment at the call center may be assigned to interface with callers and to elicit information. That is, an incoming call may be first connected to an IVR for the purpose of determining a client's intent, and then the system may assign priority and place the call in the queue according to the elicited information, or in conjunction with other information. Many such possibilities are extant for priority determination and assignment.

[0045] There are combinations of apparatus and rules that may be arranged for priority assignment, as described above. For further example, a call priority system may be as simple as assigning calls a priority level of 1-10. Sales agents

may handle calls with priority levels 7-10 while service agents handle calls with priority levels 4-6 leaving calls with priority levels 1-3 for IVR's, automated fax responses, or perhaps, live information agents. Information gathered about the caller at the network level via methods known in the art along with any information already known about the caller is used to categorize the call and assign a priority. The call will be routed based upon that priority assignment. It will be apparent to one with skill in the art that priority level rules may vary widely depending upon the type of business. For example, a sales organization would use different criteria than a service organization. Call priority designations may be based on virtually any type of information known about or elicited from a call and caller. For the purpose of clarity in description, a 1-10 priority assignment is used in examples herein. (emphasis added)

The additional paragraphs in Philonenko as presented above also do not recite use of an IVR to process instant messages.

Applicants respectfully request that the Examiner reconsider his interpretation regarding the cited prior art and particularly point out where Philonenko teaches or suggests “employing use of an IVR (Interactive Voice Response) system to receive a message from the first instant messaging user for transmission over the communications channel to the second instant messaging user” as recited in claim 32. As discussed in the last office action reply, this technique introduces a novel departure from classic text-based instant messaging, enabling a user having, for example, a cell phone to instant message via use of an IVR system for convenience.

Based on the above discussion of patentability, Applicants also respectfully request allowance of claim 32 over the cited prior art.

Applicants are appreciative of the allowance of claims 33 and 34.

-12-

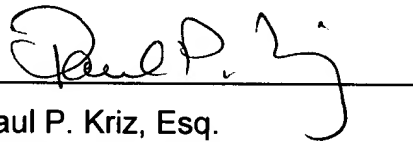
Conclusion

In view of the foregoing remarks, Applicants submit that all pending claims are in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned Attorney at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



Paul P. Kriz, Esq.
Attorney for Applicant(s)
Registration No.: 45,752
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805

Attorney Docket No.: NMS04-02

Dated: August 2, 2005